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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,961	03/19/2004	Toshihisa Nagashii	0505-1278P	6485

2292 7590 .10/27/2006

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EXAMINER

LUM VANNUCCI, LEE SIN YEE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/803,961	NAGASHII ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lee Lum	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. An Amendment was filed 8/17/06.

2. The Spec and Claims 1, 14, 16, 17, 21, are objected to because:

In the Spec, in paragraph 14, and Claim 17, the description/language of the "engine hangers 24" should include "as attached/connected to a pipe member 31", or similar, to correspond to the Spec amendment of paragraph 17, filed 9/20/05.

In Claims 1, 16 and 21, the amendment "...being curved in an upwardly curved convex shape when viewed from a side view" should be amended to "being curved in an upward direction when viewed from a side view, and having a convex shape when viewed from a top view", or similar. These are accurate descriptions of the "uppermost edge", whereas the present language incorrectly describes the two disparate shapes (upwardly curved, and convex) from their particular vantage points.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3, 5-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over limuro 6679347 in view of Nagashii 6502658.

limuro discloses a motorcycle frame comprising

Headpipe 12 supporting front fork 2,

The front fork supporting front wheel 14 through a (steering) shaft (unidentified, inherent),

Rear wheel 17,

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Pair of right 17, and left pipes 16, connected to the headpipe (fig 3),

Being curved in an outwardly convex shape at a longitudinally intermediate position (fig 4), when viewed from the top, and having a substantially prismatic shape (figs 3 and 5),

Wherein a distance between lower portions at the longitudinal intermediate position of each pipe member is greater than a distance between upper portions (fig 5), and including,

Inner wall (unidentified in fig 5) having a substantially continuous inwardly and downwardly facing concave surface with respect to a vertical direction of the pipe,

Outer wall (unidentified in fig 5) extending substantially a substantially continuous outwardly and downwardly facing convex surface, substantially parallel with the inner wall,

The outer wall extending substantially parallel with the inner wall,

Engine 10 mounted in space 55 between lower portions of the pipes,

First crosspipe (unidentified in fig 1; crosspipe adjacent headpipe)) extending across front portions of the pipes,

Seat rails, rear portions of frame element 26, connected to rear end portions of the pipes,

Right, left gussets (unidentified in fig 2; connecting portions to pipes) extending rearward and downward from the headpipe,

Right, left pivot plates 20, 21 extending downward from rear portions of the pipes (fig 1),

Second crosspipe 51 extending across upper portions of the pivot plates (fig 6),

Third crosspipe 53 extending across lower portions of the pivot plates (fig 6),

Right, left main frame 11, including gussets welded to the pipes, and pipe portions 64 integral with the pivot plates, and welded to rear ends of the pipes (fig 6),

Rib 75c partitioning an interior of each pipe (fig 4), and,

Engine hangers secured to the front end, and lower, portions of the pipes (unidentified in fig 1; triangular elements forward, and bottom, of the engine).

The reference does not disclose the inner and outer walls as joined to each other at an uppermost edge. Nagashii shows this configuration in fig 3, where the uppermost edge is depicted as the "middle line/edge" between inner 11, and outer 14, walls. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this arrangement, as shown in Nagashii, to provide another aesthetically-pleasing shape to the pipe members, thus increasing rider enjoyment. This feature does not affect the proper function of the vehicle.

Re **Claim 13**, limuro does not disclose vertical ribs in the pipe members, while Nagashii shows this type of reinforcement 52-54 in fig 4. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include vertical ribs, to provide increased structural integrity with respect to a vertical direction of the pipe members, thus increase longevity of the vehicle frame. Ribs reinforcing various directions/aspects of structural elements are very well-known.

### 3. RESPONSE TO REMARKS

Examiner provides new rejections due to amendments. New objections are also provided, with apologies for overlooking the issue of the "engine hangers" in the Spec and claims.

### 4. Communication with the Examiner/USPTO

Any inquiry concerning this communication, or others, should be directed to Ms. Lum at 571 272-6649, M-F, 9-5. If she cannot be reached, her supervisor, Ms. Lesley Morris, may be reached at 571 272-6651. Our central fax number is 571 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System. For unpublished applications - private PAIR only. For published applications - private or public PAIR. For more information re PAIR - <http://pair-direct.uspto.gov>. Questions re private PAIR - contact the Electronic Business Center (EBC) at 866 217-9197.

Ms. Lee S. Lum-Vannucci  
Examiner  
10/23/06

